

U.S. CRIME PANEL FAVORS WIRETAPS

Presidential Unit Splits With
Attorney General—Backs
Some Federal 'Bugging'

By FRED P. GRAHAM

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WASHINGTON, Nov. 22 —

The President's Crime Commission has split with the Justice Department over wiretapping and electronic eavesdropping by law enforcement officers.

The commission has tentatively decided to ask Congress to authorize wiretapping and "bugging" by Federal agents, under strict safeguards and only with court approval. A majority of its members have endorsed the view that police eavesdropping is necessary in the fight against organized crime.

This came despite strong opposition from Acting Attorney General Ramsey Clark, who asked the commission to avoid the subject entirely in its report.

Mr. Clark and President Johnson are said to favor a new Federal law that would outlaw all wiretapping and electronic surveillance by the police.

The break between the Crime Commission and the Justice Department came at the commission's meeting here, Nov. 11 when Mr. Clark made an impassioned plea for the commission to stay out of the issue.

Reports have been circulating in Washington about the Nov. 11 meeting, at which

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top of the Federal Bureau of Investigation interrupted Mr. Clark's statement to dispute his assertion that F.B.I. eavesdropping had been "a waste of time."

According to a knowledgeable source, Mr. Clark, in urging the commission to drop the eavesdrop issue, said he had read some of the transcripts from the F.B.I.'s "bugging" of Fred B. Black Jr., Washington public relations man.

Mr. Clark said its insignificance convinced him that the bureau had been wasting its time in eavesdropping.

At this point Cartha D. DeLoach, assistant to J. Edgar Hoover, F.B.I. director, was said to have interrupted Mr. Clark and to have said that the department's "bugging" operations had helped to gain valuable information about criminal activity.

According to the report, Mr. DeLoach mentioned specifically political corruption in Chicago and gambling activities in Las Vegas. He concluded that the F.B.I. would be handicapped in fighting organized crime unless eavesdropping was legalized.

Mr. Clark went on to say, he source reported, that if the eavesdropping issue was included in the commission report, it would act as a "red herring" to distract public attention from important but less controversial recommendations.

According to the report, when Nicholas deB. Katzenbach, the commission chairman, called for a show of hands by those who wished to drop the eavesdrop recommendation, only two voted with Mr. Clark. They were Federal Judge Luther W. Youngdahl of the District of Columbia and Mrs. Robert J. Stuart, president of the League of Women Voters.

The report of the 19-member commission is due on Jan. 23. If the commission sticks to its present position the Administration will be placed in an awkward position, as the President plans to use the commission report as the basis for his anticrime proposals to the next Congress.

As initially organized, the commission had no panel on organized crime. However, after Lewis F. Powell of Richmond, Va., former president of the American Bar Association, and other commission members insisted that any national crime study must deal with the problem, a panel and staff study group was established.

Chapter on Crime

At the Nov. 11 meeting the commission considered the chapter on organized crime written by the organized crime panel for the final report.

The chapter stated that electronic eavesdropping and wiretapping was crucial to the anti-crime effort. It recommended a new Federal law that would allow Federal agents to obtain court approval to eavesdrop in cases involving organized crime and certain other serious crimes. It would also allow states to pass similar laws, as long as they contained the same safeguards provided in the Federal law.

This proposal is similar to the law now in effect in New York and a few other states. A similar bill was proposed in 1962 by Attorney General Robert F. Kennedy, but it received a cool reception in Congress.

The Administration gave the proposal perfunctory support in 1963 and 1964. But in March of 1966, when Attorney General Katzenbach testified before a Senate subcommittee in favor

of a similar bill, he said that if Congress could not agree on a workable law to authorize police wiretapping, it should outlaw police wiretapping outright.

A 1934 Federal law makes wiretapping a crime, but the Justice Department has ruled that Federal agents do not violate this law if the information is not disclosed outside the Government. Electronic "bugging" is not covered by any United States criminal law.

However, in June, 1965, President Johnson prohibited all Federal agencies from using either wiretapping or "bugging," except in national security cases.

The Supreme Court ruled in 1928 that police wiretapping does not violate a defendant's constitutional rights, but many legal experts think the high court will eventually declare both wiretapping and "bugging" to be unconstitutional.

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